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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755-6000

11 February 2008

MEMORANDUM FOR THE CHAIRMAN, INTELLIGENCE OVERSIGHT BOARD

THRU: Assistant to the Secretary of Defense (Intelligence Oversight)

SUBJECT: (U//~~FOUO~~) Report to the Intelligence Oversight Board on NSA Activities - INFORMATION MEMORANDUM

(U//~~FOUO~~) Except as previously reported to you or the President, or otherwise stated in the enclosure, we have no reason to believe that any intelligence activities of the National Security Agency during the quarter ending 31 December 2007 were unlawful or contrary to Executive Order or Presidential Directive and thus should have been reported pursuant to Section 1.7.(d) of Executive Order 12333.

(U//~~FOUO~~) The Inspector General and the General Counsel continue to exercise oversight of Agency activities by inspections, surveys, training, review of directives and guidelines, and advice and counsel. These activities and other data requested by the Board or members of the staff of the Assistant to the Secretary of Defense (Intelligence Oversight) are described in the enclosure.

George Ellard

GEORGE ELLARD
Inspector General

VITO T. POTENZA
General Counsel

(U//~~FOUO~~) I concur in the report of the Inspector General and the General Counsel and hereby make it our combined report.

KEITH B. ALEXANDER
Lieutenant General, U. S. Army
Director, NSA/Chief, CSS

Encl:
Quarterly Report

Approved for Release by NSA on 12-19-2014, FOIA Case # 70809 (Litigation)

1. (U//~~FOUO~~) Intelligence, counterintelligence, and intelligence-related activities that violate law, regulation, or policy substantiated during the quarter, as well as actions taken as a result of the violations.

(U) **Intelligence Activities**

~~(TS//SI//REL TO USA, AUS, CAN, GBR, NZL)~~ **Unintentional collection against United States persons.** [redacted] instances in which Signals Intelligence analysts inadvertently collected communications to, from, or about U. S. persons while pursuing foreign intelligence tasking were reported this quarter. All collection has been terminated and all intercepts and reports have been deleted or destroyed as required by USSID SP0018.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//REL)~~ [redacted]

~~(S//SI//REL)~~ There were [redacted] instances of unintentional collection resulting from poorly constructed database queries and one incident of collection because of a typing mistake.

(b)(1)
(b)(3)-P.L. 86-36

~~(S//SI//REL)~~ On [redacted] occasions, targets initially thought to be legitimate and foreign were found to hold U.S. citizenship or permanent resident status after they had been tasked for collection. The impact of one of the [redacted] incidents was compounded because targets had been tasked by [redacted] under [redacted] but only [redacted] removed upon recognition of the target's dual citizenship. The analyst failed to check the [redacted] The collection was deleted from the [redacted] database.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ [redacted] a tasked telephone number was found to belong to a U.S. person. The number was removed from tasking and [redacted] was destroyed the same day.

~~(S//SI//REL)~~ On [redacted] occasions, the targets [redacted] the United States. Of the [redacted] incidents, the three described below were compounded by human error.

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(b)(3)-P.L. 86-36

Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20320108

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~TOP SECRET//COMINT//NOFORN//20320108~~

~~(TS//SI//REL)~~ A targeted email account detasked on [redacted] the United States on [redacted] This mistake occurred when an analyst in the [redacted] retasked the selector [redacted] The collection was identified on [redacted] and the selector was detasked and resulting collection destroyed.

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(b)(3)-P.L. 86-36

~~(TS//SI//REL)~~ [redacted] NSA analysts learned that a target had entered the United States on or about [redacted] Although collection was terminated [redacted] and appropriate action was taken that day to remove the selector from tasking, [redacted] were not purged until [redacted] The analyst made two mistakes: [redacted] and he failed to inform the Oversight and Compliance office, which double checked the databases and found that [redacted] had not been purged. The analyst has been educated on violation handling policies.

(b)(3)-P.L. 86-36

~~(S//SI//REL)~~ Collection continued [redacted] after an Attorney General authorization had expired [redacted] and there is no evidence that [redacted] intercepts were collected between [redacted] when the violation was recognized. The intercepts were deleted from the [redacted] and [redacted] data storage systems on [redacted] The intercepts were not accessed [redacted] A review of the incident resulted in an amendment of operating procedures.

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(b)(3)-P.L. 86-36

~~(S//SI)~~ [redacted] analysts from NSA's National Threat Operations Center (NTOC) intercepted an email communication [redacted] with a U.S. person. The email contained a legitimate [redacted] NSA is seeking a destruction waiver for the intercept.

~~(S//SI)~~ While pursuing valid foreign target, an NTOC analyst intercepted [redacted] NSA is seeking a destruction waiver for the intercept to address the [redacted] under NSA's information assurance mission.

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

~~(TS//SI)~~ a telephone was identified as belonging to a U.S. person in A database query had revealed an unknown Upon recognition, collection was terminated and all collected data was destroyed.

~~(S//SI//NF)~~ **The Protect America Act of 2007 (PAA).** There were violations of the PAA during this quarter. In all but one, email addresses belonging to legitimate foreign targets, whose foreignness was confirmed at tasking, were determined to be in the United States. In one instance, the foreignness of valid targets was not confirmed when PAA was implemented, resulting in unauthorized tasking from Collection for all the incidents was terminated upon recognition, and databases were purged of the information.

(b)(1)
(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~ **Foreign Intelligence Surveillance Act (FISA) collection.** NSA incurred violations on FISA targets this quarter. All collection has been terminated, and all intercepts have been deleted or destroyed as required by USSID SP0018.

~~(TS//SI//NF)~~ collection continued on a target that had not been specified on a renewal of a FISC Order. The analyst did not know that the had been mistakenly omitted from the renewal request. intercepts were deleted and the number was detasked on

~~(TS//SI//REL)~~ A daily collection review revealed instances of inadvertent collection. in the United States. Not all removed the address from resulting in continued collection for several days after recognition. In all instances the collection has been deleted.

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(b)(3)-P.L. 86-36

~~(TS//SI//NF)~~

(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

~~(TS//SI//REL)~~ On a legitimate foreign target the United States. the target within the United States was deleted the same day.

~~(TS//SI//NF)~~ violations occurred because collection occurred from sources not specified on FISC orders. The violations occurred on The mistake made in one of the incidents was compounded when the analyst mistakenly queried the wrong date. The typing error resulted in collection in a period not specified in the FISC Order. The queries were deleted and the cell phone

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~~TOP SECRET//COMINT//NOFORN//20320108~~

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(b)(3)-50 USC 3024(i)

number removed from the tasking database [redacted]

~~(TS//SI//NF)~~ Another violation occurred when analysts from [redacted] found a [redacted] intercept [redacted] The intercept was destroyed on [redacted]

~~(TS//SI//NF)~~ **Unintentional collection against U.S. persons** [redacted] In all instances, the calls were deleted immediately upon recognition, in accordance with USSID SP0018 guidelines, and no reports were issued.

(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

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~~(S//SI//REL)~~ **Unintentional dissemination of U.S. identities.** During this quarter, [redacted] SIGINT products were cancelled because they contained the identities of U.S. persons, organizations, or entities. In all instances, the reports were not reissued or were reissued with proper minimization. [redacted] U.S. identities were released without proper authority [redacted] or during analysis of events.

(b)(3)-P.L. 86-36

~~(S)~~ ~~(U//FOUO)~~ [redacted] NTOC analysts provided a briefing to cleared executive U.S. Government contractors. In that briefing a slide illustrated [redacted] with several U.S. person names [redacted] When the violation was recognized, the names were removed from the slide.

(U) **Counterintelligence Activities.**

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(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

(U) Nothing to report.

(U) **Intelligence-related Activities.**

~~(S//SI//NF)~~ Practicing due diligence, NSA has improved internal controls to reduce the risk of unauthorized collection. [redacted]

~~(S//SI)~~ [redacted]

[redacted] On [redacted], a request to target the communicant overseas was submitted through channels and is now in the Office of the Attorney General.

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2. (U//~~FOUO~~) NSA OIG Intelligence Oversight Inspections, Investigations, and Special Studies.

(U//~~FOUO~~) During this quarter, the Office of Inspector General reviewed various intelligence activities of the NSA/CSS to determine whether they were conducted in accordance with applicable statutes, Executive Orders, Attorney General procedures, and Department of Defense and internal directives. With few exceptions, the problems uncovered were routine and showed that operating elements understand the restrictions on NSA/CSS activities.

~~(S//SI//REL)~~ [redacted] Intelligence Oversight is degraded by the absence of clearly delineated roles and responsibilities for the [redacted] Intelligence Oversight Program Manager and organizational points of contact. The organization lacks documented processes and procedures for timely reporting intelligence oversight incidents and violations, and there are no documented procedures for tracking intelligence oversight training; therefore, accounting for personnel who require the training is incomplete. Finally, [redacted] is not complying with intelligence oversight measures detailed in [redacted] agreement with the SIGINT Director regarding a [redacted] The NSA/CSS Inspector General will update in a future report actions taken by [redacted] to correct the inspection findings.

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(b)(3)-P.L. 86-36
(b)(3)-50 USC 3024(i)

~~(TS//SI//REL)~~ **Misuse of the U.S. SIGINT System.** [redacted] intercepted the communications of an unidentified individual calling a targeted telephone. Based on the content of the call, NSA analysts [redacted] do not believe this is a random telephone call, but rather a misuse of government information by a witting individual [redacted] This matter was reported to the Department of Defense General Counsel [redacted] for an investigative determination. The incident has not violated U.S. person privacy rights but is reported because of the misuse of the U.S. SIGINT System.

~~(TS//SI//REL)~~ [redacted]

(b)(1)
(b)(3)-P.L. 86-36
(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

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(b)(3)-18 USC 798
(b)(3)-50 USC 3024(i)

[redacted]

(U//~~FOUO~~) [redacted] (b)(3)-P.L. 86-36

[redacted]

(U) Special Study on Retention of Domestic Communications Collected Under FISA Surveillances.

(~~C//NF~~) While conducting collection operations authorized under the FISA of 1978, as amended, NSA incidentally collects domestic communications, subject to retention limitations. Although NSA information systems can be programmed to facilitate compliance with retention limitations, the Signals Intelligence Directorate is not fully using information system capabilities to do so. The OIG did not detect major instances of domestic communications in conflict with minimization procedures; however, we determined that the risk is high for noncompliance. The OIG found that appropriate training on how data repository system capabilities can aid analysts to comply with retention rules [redacted] The OIG also found that developing an FBI-Compatible Dissemination System could lower NSA's risk of noncompliance. A future report will update actions taken to correct the study findings.

3. (U) Substantive Changes to the NSA/CSS Intelligence Oversight Program.

(U) Nothing to report. (b)(3)-P.L. 86-36

4. (U) Changes to NSA/CSS published directives or policies concerning intelligence, counterintelligence, or intelligence-related activities and the reason for the changes.

(U) Nothing to report.

5. (U) Procedures governing the activities of Department of Defense (DoD) intelligence components that affect U.S. persons (DoD Directive 5240.1-R, Procedure 15) Inquiries or Matters Related to Intelligence Oversight Programs.

(U) Nothing to report.